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09/927,134

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**Application Number** 

## TRANSMITTAL Aug 10, 2001 **FORM Filing Date** (to be used for all correspondence after initial filing) Ogle, Jr., Robert Bertram First Named Inventor 2814 **Group Art Unit** Weiss, Howard **Examiner Name** 2 Total Number of Pages in This Submission 0180127 Attorney Docket Number ENCLOSURES (check all that apply) Assignment Papers After Allowance Communication Fee Transmittal Form to Group (for an Application) Appeal Communication to Board of Drawing(s) Fee Attached Appeals and Interferences Appeal Communication to Group Licensing-related Papers Amendment / Reply (Appeal Notice, Brief, Reply Brief) Petition Proprietary Information After Final Petition to Convert to a Status Letter Affidavits/declaration(s) **Provisional Application** Power of Attorney, Revocation Change of Correspondence Address Other Enclosure(s) (please identify below): Extension of Time Request **Express Abandonment Request** 1. Check for \$110.00 Terminal Disclaimer Information Disclosure Statement Request for Refund Certified Copy of Priority CD, Number of CD(s) Document(s) Response to Missing Parts/ Remarks Incomplete Application Response to Missing Parts under 37 CFR 1.52 or 1.53

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Michael Farjami, Esq., Reg. No. 38,135

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## TERMINAL DISOLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A PENDING SECOND APPLICATION

0180127

In re Application of: Ogle, Jr., et al.

Application No.: 09/927,134

Filed: August 10, 2001

For: Process For Treating ONO Dielectric Film Of A Floating Gate Memory Cell

The owner\*, <u>Advanced Micro Devices, Inc.</u>, of <u>100</u> percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending Second Application Number <u>09/927,133</u>, filed on <u>August 10</u>, <u>2001</u>, of any patent on the pending second application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Terminal disclaimer fee under 37 CFR 1.20(d) included.

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